

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

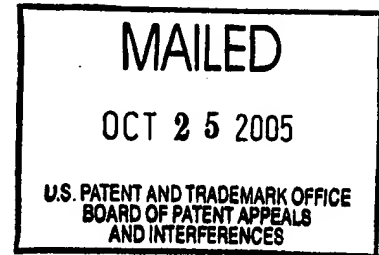
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte JIM B. ESTIPONA

Appeal No. 2005-2090
Application No. 09/652,695

ON BRIEF



Before HAIRSTON, JERRY SMITH, and NAPPI, Administrative Patent Judges.
HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 25.

The disclosed invention relates to a method and system for transmitting an announcement for enhanced television content. The announcement includes a session identifier that has a value that announces the availability of an electronic programming guide for the enhanced television content.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method comprising:
transmitting enhanced television content; and
transmitting an announcement for said enhanced television content, said announcement including a session identifier having a value announcing the availability of an electronic programming guide for said enhanced television content.

The references relied on by the examiner are:

Gagnon et al. (Gagnon)	6,522,342	Feb. 18, 2003 (filed Jan. 27, 1999)
Advanced Television Enhancement Forum Specification (ATVEF), Version 1.1r26, February 1999.		

The references cited by the examiner in response to a challenge to the taking of Official Notice are:

Kamen et al. (Kamen)	6,421,067	July 16, 2002 (filed Jan. 16, 2000)
Kondo et al. (Kondo)	6,763,522	July 13, 2004 (filed June 30, 1998)

Claims 1 through 6, 8 through 12, 14 through 17, 21, 22, 24 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the ATVEF publication.

Claims 7, 13, 18 through 20 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the ATVEF publication in view of Gagnon.

Reference is made to the final rejection, the briefs and the answer for the respective positions of the appellant and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the obviousness rejections of claims 1 through 25.

According to the examiner (final rejection, page 3):

As to claim 1, ATVEF discloses transmitting and receiving enhanced television content and Session Description Protocol (SDP) records (pg. 10 par. 5-6 and pg. 12 par. 6). The reference particularly discloses the use of session announcements that include unique session identifiers (which by definition must be numeric strings) having values that announce the availability of particular broadcasts, which “can be a permanent announcement for all programming on a broadcast channel or for a particular show” (pg. 13). The reference does not disclose the availability of an Electronic Program Guide (EPG) as programming on a broadcast channel. However[,] the examiner gives official notice that it is notoriously well known in the art of television broadcasting to broadcast an EPG for the purpose of efficiently navigating through available programming and data services.

After submission of the brief, the examiner interpreted the appellant’s arguments in the brief as a challenge to the taking of Official Notice, and cited the references noted supra as well as Gagnon as representative teachings of the noticed fact (answer, pages 8 through 10). The examiner explained (answer, pages 8 and 9) that:

Nevertheless, the prior art now of record clearly shows that a multitude of items may be used to enhance television content. See inter alia Gagnon et al. at col. 9:44-62 teaching enhancement of broadcast content by transmission of program guide data, stock tickers, sports scores, etc. The application of any one of these enhancements using the ATVEF specification framework is both a simple and obvious modification: use an announcement and session identifier in order to provide enhanced content using a standardized format which is portable among diverse systems.

As further evidence of the officially noticed fact of “broadcasting an EPG for the purpose of efficiently navigating through available programming and data services,” the examiner (answer, pages 9 and 10) points to:

Kondo et al. (6,763,522) - col. 1:24-36: col. 5:12-16, fig. 2A-2D, and col. 10:1-12 indicating a version identifier for an EPG.

Kamen et al. (6,421,067) - col. 1:29-31, col. 1:48-53 on additional enhancements with EPGs such as email, and col. 4:60+ through col. 5:3.

We agree with the examiner that Kondo discloses a version identifier of a table used in connection with an electronic program guide (EPG) (column 4, lines 6 through 21), and that the EPG disclosed by Kamen permits other functions (e.g., e-mail) (column 1, lines 48 through 55). On the other hand, we agree with the appellant’s arguments (brief, page 8; reply brief, page 3) that the references lack a teaching or suggestion of announcing the availability of an electronic programming guide for enhanced television content with a session identifier as set forth in all of the claims on appeal. Gagnon discloses that conventional program guide data is transmitted along with some SDP+ records and announcements (column 9, lines 44 through 52; column 37, lines 20 through 28). Gagnon states (column 34, lines 15 through 27) that an SDP+¹ record is an announcement mechanism, and that “[t]he standard fields of the SDP protocol that are used in the . . . SDP+ protocol include, protocol version, the owner/creator and session identifier (i.e., the

¹ SDP+ is the acronym for Session Description Protocol plus (column 10, lines 31 through 37).

IP address of the creator of the SDP record)”² Gagnon does not, however, disclose that a specific part of the SDP+ protocol (i.e., the session identifier) has “a value announcing the availability of an electronic programming guide” as claimed by appellant.

In summary, the ATVEF publication and the officially noticed facts neither teach nor would have suggested to the skilled artisan the use of a specific field of the SDP protocol to announce the electronic programming guide.

DECISION


The decision of the examiner rejecting claims 1 through 25 under 35 U.S.C. § 103(a) is reversed.

² The Gagnon definition of SDP protocol matches the definition found in appellant’s disclosure (specification, page 5).

REVERSED



KENNETH W. HAIRSTON
Administrative Patent Judge



JERRY SMITH
Administrative Patent Judge



ROBERT E. NAPPI
Administrative Patent Judge

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